

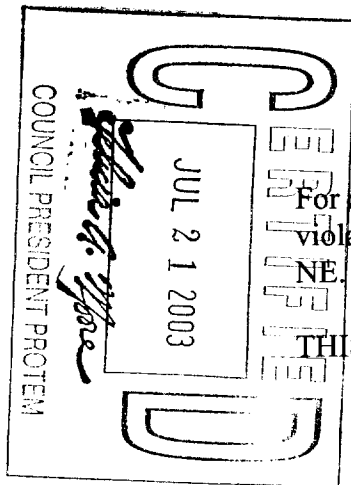
JUL 21 2003

ADVERSED

Entered - 01/09/03 - sb
CL03L0003 - DIANNE C. MITCHELL

CLAIM OF: **TERESA BREWER**
through her attorney,
Nicholas J. Pieschel
555 Sun Valley Drive
Suite K-1
Roswell, Georgia 30076

03-R-1063



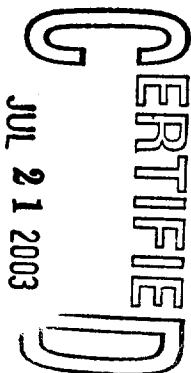
For damages alleged to have been sustained as a result of civil rights violations during an arrest on July 27, 2002 at 582 Piedmont Road,

THIS ADVERSED REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

DEPUTY MUNICIPAL CLERK



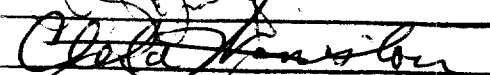
ADVERSE REPORT

PUBLIC SAFETY &

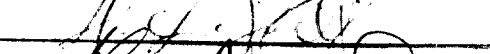
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/15/03

CHAIR: 













OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 29, 2003

Nicholas J. Pieschel
Attorney at Law
555 Sun Valley Drive
Suite K-1
Roswell, Georgia 30076

03-R-1063

RE: Teresa Brewer

Dear Attorney Pieschel:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0003

Date: July 1, 2003

Claimant /Victim TERESA BREWER
BY: (Atty) Nicholas J. Pieschel
Address: 555 Sun Valley Drive, Suite K-1, Roswell, Georgia 30076
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00
Date of Notice: 01/03/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/27/02 Place: 582 Piedmont Road, NE
Department Police Bureau:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her civil rights were violated when she was arrested at the above location. However, the City is immune from liability as set forth in O.C.G.A. §§ 36-33-1 and 36-33-3.

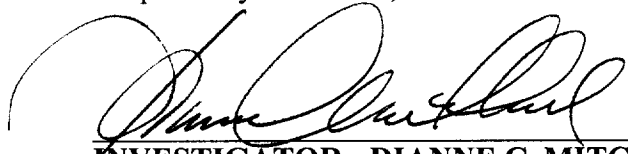
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date 07/01/03
Committee Action: Council Action

RCS# 4940
7/21/03
6:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS. 1-11, EXCEPT:03-O-1034
03-R-1110, 03-R-1137, 03-O-1116
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
E Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

		7/21/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 02-O-1259 2. 03-O-0148 3. 03-O-0826 4. 03-O-1114 5. 03-O-1122 6. 03-O-0939 7. 03-O-0974 8. 03-O-1120 9. 03-O-0964 10. 03-O-1115 11. 03-O-1117 12. 03-R-0896 13. 03-R-1103 14. 03-R-1126 15. 03-R-1136 16. 03-R-1124 17. 03-R-1102 18. 03-R-1129 19. 03-R-1135 20. 03-R-1088 21. 03-R-1104 22. 03-R-1111 23. 03-R-1036 24. 03-R-1037 25. 03-R-1038	26. 03-R-1039 27. 03-R-1040 28. 03-R-1041 29. 03-R-1042 30. 03-R-1043 31. 03-R-1044 32. 03-R-1045 33. 03-R-1046 34. 03-R-1047 35. 03-R-1048 36. 03-R-1049 37. 03-R-1050 38. 03-R-1051 39. 03-R-1052 40. 03-R-1053 41. 03-R-1054 42. 03-R-1055 43. 03-R-1056 44. 03-R-1057 45. 03-R-1058 46. 03-R-1059 47. 03-R-1060 48. 03-R-1061 49. 03-R-1062 50. 03-R-1063	51. 03-R-1064 52. 03-R-1065 53. 03-R-1066 54. 03-R-1067 55. 03-R-1068 56. 03-R-1069 57. 03-R-1070 58. 03-R-1071 59. 03-R-1072 60. 03-R-1073 61. 03-R-1074

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4940)

Items Removed from the Consent Agenda: 03-O-1034; 03-O-1116; 03-R-1110; 03-R-1137;